

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:23-CV-00523-M-RN

This matter comes before the court on a memorandum and recommendation (“M&R”) issued by the Honorable Robert T. Numbers, II, recommending that the court dismiss the case without prejudice for the Plaintiff’s failures to plausibly allege this court’s subject matter jurisdiction and to comply with a court order directing her to correct deficiencies in filing this action. DE 9. Judge Numbers advised Plaintiff that she may file an objection to the M&R, issued December 27, 2023, within fourteen (14) days after it was served. *Id.* at 2. Plaintiff has filed no objection.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial*

*Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the entire record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE. The Clerk of Court is directed to close this case.

SO ORDERED this 24<sup>th</sup> day of January, 2024.

  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE